

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARCUS MAYHEW CURRY,)	
)	
Petitioner,)	
)	1:11CV1099
v.)	1:05CR282-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

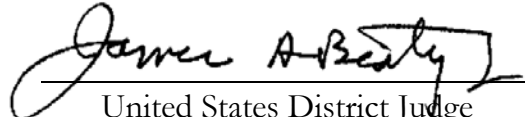
ORDER

On April 17, 2013, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections to the Recommendation have been filed. Therefore, the Court need not make a *de novo* review and the Magistrate Judge's Recommendation [Doc. #61] is hereby adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion to Vacate, Set Aside or Correct Sentence [Doc. #40] is GRANTED, that the Judgment [Doc. #20] is VACATED, and that Counts Three and Nine of the Superseding Indictment [Doc. #12] are DISMISSED. The Clerk is directed to set this matter for resentencing as to the remaining counts. Petitioner remains in custody, and the United States Attorney is directed to produce Petitioner for the resentencing hearing. The Probation Office is directed to prepare a Supplement to the Presentence Investigation Report in advance of the hearing. Counsel will be appointed to represent Petitioner at the resentencing hearing.

IT IS FURTHER ORDERED that the Government's prior Motion to Dismiss [Doc. #47] is deemed WITHDRAWN.

This, the 14th day of May, 2013.


United States District Judge